

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, MAY 18, 2022.

[50]*

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Wednesday, May 18, 2022.

Met according to adjournment at eleven o'clock A.M., under emergency rules, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Silent Tribute.

During the session, Ms. Peake of Provincetown took the Chair, declared a brief recess and at her request, the members, guests and employees stood in a moment of silent tribute in respect to the memory of Urvashi Vaid.

Urvashi
Vaid.

Urvashi was a longtime activist and leader of many LGBTQ+ and other social justice organizations. She was a deeply committed activist who wanted full justice and equality for all people. Many of the issues we have addressed in this very chamber to preserve marriage equality, to ensure that the civil rights of every LGBTQ+ person is enshrined in law, to protect LGBTQ + youth, and to ensure access to life saving HIV therapies were first brought into the public consciousness as a result of Urvashi's lifetime of activism and organizing.

She was one of the most influential progressive activists of our time. Urvashi Vaid was a leader, a warrior, and a force to be reckoned with. She was also a friend, and a neighbor of Ms. Peake. Their banter, her constant challenging of the status quo, her ferocity, and her good humor will be missed.

A longtime Provincetown resident, Urvashi Vaid died last Saturday at her home in NYC. She was 63. She is survived by her longtime partner and wife, political activist Kate Clinton. The LGBTQ+ community, and all of us, owe Urvashi Vaid a debt of gratitude.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Ms. Hogan of Stow) congratulating Matthew Ervin on achieving the rank of Eagle Scout with the Boy Scouts of America;

Matthew
Ervin.

Resolutions (filed by Ms. Hogan of Stow) congratulating Liam Hall on achieving the rank of Eagle Scout with the Boy Scouts of America;

Liam
Hall.

Resolutions (filed by Representatives Jones of North Reading and Haggerty of Woburn) commemorating the Residence at Pearl Street Senior Living Community in Reading and celebrating the eightieth anniversary of its historic Pearl Street schoolhouse; and

Pearl Street Senior
Living Community.

Resolutions (filed by Ms. Giannino and other members of the House) commending the National Brain Tumor Society Inc. for its recognition of May 2022 as Brain Tumor Awareness Month;

Brain Tumor
Awareness
Month.

Mr. Galvin of Canton, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Wong of Saugus, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Order.

The following order (filed by Mr. Gordon of Bedford) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Service be granted until Friday, June 10, 2022, within which time to make its final report on current House document numbered 4568.

Public Service
committee,—
extension
of time for
reporting.

Mr. Galvin of Canton, for the committees on Rules, reported that the order (House, No. 4799) ought to be adopted. Under suspension of the rules, on motion of Mr. Wong of Saugus, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Paper from the Senate.

A petition of Lydia Edwards and Adrian C. Madaro for legislation to establish a sick leave bank for Jacquelyne Foley, an employee of the department of early education and care, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Jacquelyne
Foley,—
sick leave.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2884) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on House, No. 4561, a Bill relative to Massachusetts's transportation resources and climate (House, No. 4798). Referred, under Joint Rule 1F, to the committee on Bonding, Capital Expenditures, and State Assets.

Transportation,—
resources and
climate.

By Ms. Peisch of Wellesley, for the committee on Education, on House, Nos. 539, 546, 549, 550, 569, 605, 628, 639, 647, 649, 658, 679, 698, 701, 702 and 4032, a Bill to expand access to high-quality, affordable early education and care (House, No. 4795).

Early
education,—
access.

By Mr. Cutler of Pembroke, for the committee on Labor and Workforce Development, on Senate, Nos. 1197 and 1198 and House, Nos. 1954 and 1955, a Bill relative to a just transition to clean energy (House, No. 4796).

Clean
energy.

By the same member, for the same committee, on House, No. 4557, a Bill relative to paid pregnancy loss leave (House, No. 4797).

Pregnancy
loss,—
paid leave.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Honan of Boston, for the committee on Steering, Policy and Scheduling, that the House Bill providing that officers in all positions of the Falmouth Police Department subject to Chapter 31 of the General Laws shall be exempt from the civil service law (House, No. 4577) [Local Approval Received], be scheduled for consideration by the House.

Falmouth,—
police.

Under suspension of Rule 7A, on motion of Mr. Wong of Saugus, the bill was read a second time forthwith; and it was ordered to a third reading.

Engrossed Bills.

Engrossed bills

Raising the income threshold for senior real property tax deferments in the town of Milton (see Senate, No. 2526) (which originated in the Senate);

Bills
enacted.

Relative to the design, development, construction and operation of a senior low-income and affordable housing project located at 144 Greenmont Avenue in the town of Dracut (see House, No. 3722, amended);

Establishing a select board in the town of Bolton (see House, No. 4198); and

Further regulating the membership of the historic district commission in the town of Sudbury (see House, No. 4313);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted, there being no objection; and they were signed by the acting Speaker and sent to the Senate.

Motions to Discharge Certain Matters in the Orders of the Day.

The Senate Bill establishing a sick leave bank for Jennifer Almond, an employee of the Department of Correction (Senate, No. 2694), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day, and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Gordon of Bedford; and it was passed to be engrossed, in concurrence.

Jennifer
Almond,—
sick leave.

The House Bill to preserve special needs trusts for disabled seniors (House, No. 4792), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day, and read a third time forthwith, under suspension of Rule 47, on motion of Ms. Hogan of Stow; and it was passed to be engrossed. Sent to the Senate for concurrence.

Disabled
seniors,—
trusts.

The House Bill relative to the preparation of certain bilingual ballots in the city of Malden (House, No. 4793), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day, and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Ultrino of Malden; and it was passed to be engrossed. Sent to the Senate for concurrence.

Malden,—
ballots.

The House Bill authorizing the town of Pepperell to convey a certain parcel of land to the Commonwealth (House, No. 4794), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day, and read a third time forthwith, under suspension of Rule 47, on

Pepperell,—
land.

motion of Mr. Jones of North Reading; and it was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At a quarter after eleven o'clock A.M., on motion of Mr. Howitt of Seekonk (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at ten minutes before two o'clock, the House was called to order with Mr. Donato in the Chair.

Recess.

Quorum.

As required under the provision of Emergency Rule 2(4), a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 155 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 182.

[See [Yea and Nay No. 182](#) in Supplement.]

Therefore a quorum was present.

Engrossed Bill – Land Taking.

The engrossed Bill authorizing the town of Stoughton to transfer certain park property in exchange for acquisition and dedication of other land to park purposes (see Senate, No. 2732) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Stoughton,—
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 183.

[See [Yea and Nay No. 183](#) in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Motion to Discharge a Certain Matter in the Orders of the Day

Ms. Hogan of Stow being in the Chair,— The Senate Bill relative to equity in the cannabis industry (Senate, No. 2383, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day, and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Donahue of Worcester.

Cannabis,—
equity.

After debate on the question on passing the bill to be engrossed, in concurrence, Mr. D'Emilia of Bridgewater moved to amend it by adding the following two sections:

“SECTION 19. Section 3 of chapter 94G of the General Laws, as so appearing, is hereby amended by adding the following subsection:

“(6) any municipality hosting a medical marijuana dispensary that voted to opt-out of the sale of recreational marijuana in their city or town on the November 2016 ballot question shall have the right to deny the conversion of said dispensary to a

recreational marijuana establishment even if said dispensary was licensed or registered not later than July 1, 2017.’

SECTION 20. Section 72 of chapter 55 of the acts of 2017, as so appearing, is amended by adding the following sentence:

‘Provided further, that any municipality that voted to opt-out of the sale of recreational marijuana in their city or town on the November 2016 ballot question shall have the right to deny the conversion of said dispensary to a recreational marijuana establishment.’.”

The amendment was rejected.

Ms. Tyler of Boston then moved to amend the bill in section 10, line 176, by striking out the figures: “15” and inserting in place thereof the word “twenty”. After remarks the amendment was adopted.

Mrs. Kane of Shrewsbury then moved to amend the bill by inserting after section 11 the following section:

“SECTION 11A. Subsection (b) of section 17 of chapter 94G of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the first sentence the following 2 sentences:- Said departments and executive offices shall: (i) provide the commission with any existing data requested by the commission, subject to any applicable confidentiality laws and regulations regarding personally identifying information; (ii) collect data, as reasonably requested by the commission, to complete the commission’s research agenda; and (iii) provide data requested by the commission pursuant to clause (ii) to the commission subject to any applicable confidentiality laws and regulations regarding personally identifying information. Any personally identifiable information contained in data acquired through this section shall not be considered a public record and shall not be subject to disclosure pursuant to clause twenty-sixth of section 7 of chapter 4 and chapter 66.”.

The amendment was adopted.

Mr. Rogers of Cambridge then moved to amend the bill by inserting after section 9 the following section:

“SECTION 9A. Said section 4 of said chapter 94G, as so appearing, is hereby further amended by striking out the word ‘marijuana’, in lines 347 and 357, and inserting in place thereof, in each instance, the following word:- cannabis.”.

The amendment was adopted.

Mr. Cahill of Lynn then moved to amend the bill by inserting before section 1 the following section:

“SECTION C. Section 7E of chapter 64C of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking subsection (m) and inserting in place thereof the following subsection:

(m) Marijuana products and marijuana accessories as defined in section 1 of chapter 94G shall not be subject to the excise imposed under this section; provided, however, that marijuana accessories that are manufactured to also deliver nicotine shall be considered an electronic nicotine delivery system and shall be subject to the excise imposed under this section.”.

The amendment was adopted.

Mr. Cusack of Braintree then moved to amend the bill by inserting before section C (inserted by amendment) the following two sections:

“SECTION A. Subsection (d) of section 2 of chapter 62 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by adding the following paragraph:

(4) An amount equal to the amount paid or incurred during the taxable year in carrying on the trade or business of a marijuana establishment as defined in section 1

of chapter 94G or a medical marijuana treatment center as defined in section 1 of chapter 94I that would have been deductible under the Code, but for section 280E of said Code.

SECTION B. Section 30 of chapter 63 of the General Laws, as so appearing, is hereby amended by striking out paragraph 4 and inserting in place thereof the following paragraph:

4. ‘Net income’, gross income less the deductions, but not credits, allowable under the provisions of the Code, as amended and in effect for the taxable year; provided, however, that any deduction otherwise allowable which is allocable, in whole or in part, to 1 or more classes of income not included in a corporation’s taxable net income, as determined under subsection (a) of section 38, shall not be allowed. In the case of a corporation exempt from taxation under section 501 of the Code, “net income” means unrelated business taxable income, as defined in section 512 of the Code. In lieu of disallowing any deduction allocable, in whole or in part, to dividends not included in a corporation’s taxable net income, 5 per cent of such dividends shall be includable therein, as provided in said subsection (a) of said section 38. For purposes of this section and subsection (a) of section 38, the term ‘dividend’ shall include but not be limited to amounts included in federal gross income pursuant to sections 951 and 951A of the Code. For purposes of this section, any dividend received directly or indirectly from a real estate investment trust, as provided in sections 856 to 859, inclusive, of the Code, for the taxable year of the trust in which a dividend is paid, shall not be: (i) treated as a dividend; and (ii) included as part of the dividends received deduction otherwise available to the taxpayer under paragraph (1) of subsection (a) of section 38. Any dividend received directly or indirectly from a regulated investment company, as provided in sections 851 to 855, inclusive, of the Code, shall not be included as part of the dividends received deduction otherwise available under paragraph (1) of subsection (a) of section 38.

The following deductions shall be allowed: (i) a deduction for that portion of wages or salaries paid or incurred for the taxable year equal to the amount of the credit allowable for the taxable year under section 51 of the Code and otherwise disallowed under section 280C of said Code, and (ii) a deduction for any amount paid or incurred during the taxable year in carrying on the trade or business of a marijuana establishment, as defined in section 1 of chapter 94G, or a medical marijuana treatment center, as defined in section 1 of chapter 94I, that would have been deductible under the Code, but for section 280E of said Code.

Deductions with respect to the following items shall not be allowed:

- (i) dividends received;
- (ii) losses sustained in other taxable years, except for the net operating losses as provided in paragraph 5 of this section;
- (iii) taxes on or measured by income, franchise taxes measured by net income, franchise taxes for the privilege of doing business and capital stock taxes imposed by any state;
- (iv) the deduction allowed by section 168(k) of said Code.
- (v) except as otherwise provided in section 31J, interest expense paid, accrued or asserted in connection with a dividend of a note or similar obligation stating the requirement that such interest is to be paid by the corporation that dividends such obligation to its shareholders.
- (vi) the deduction allowed by section 199 of the Code.
- (vii) the deduction described in section 163(e)(5) of the Code to the extent increased by amendments to section 163(e)(5)(F) and section 163(i)(1) of the Code,

inserted by section 1232 of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5.

(viii) the deductions allowed by sections 245A, 250, and 965(c) of the Code.”; and by adding the following section:

“SECTION 19. Sections A and B shall take effect for taxable years beginning on or after January 1, 2022.”.

The amendments were adopted.

Mr. González of Springfield then moved to amend the bill in section 11, in line 218, by inserting after the word “loans” the words “; provided, that when selecting recipients the secretary, in consultation with the advisory board, shall take into consideration the racial, ethnic and gender demographics of the municipality in which the recipient businesses are located”; and the amendment was adopted.

Mr. Frost of Auburn then moved to amend the bill by adding the following section:

“SECTION 20. Subsection (d) of section 3 of chapter 94G of the General Laws, as amended by section 23 of chapter 55 of the acts of 2017, is hereby amended by adding at the end thereof the following:

A public meeting shall take place prior to the signing of the host community agreement, unless the host community agreement is waived by the community and therefore shall take place prior to applying for a license with the commission.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 29 members voted in the affirmative and 126 in the negative.

[See [Yea and Nay No. 184](#) in Supplement.]

Therefore the amendment was rejected.

Miss Gregoire of Marlborough then moved to amend the bill by striking out sections 13 and 14; and the amendments were adopted.

Mr. Michlewitz of Boston then moved to amend the bill in section 15, in line 260, by inserting after the word “distribute” the words “based on an amount of marijuana”; and in lines 264, 265 and 266, by striking out the paragraph contained in those lines and inserting in place thereof the following:

“(b) Prior to entering an order on a petition for expungement pursuant to subsection (a), the court shall hold a hearing if requested by the petitioner or the district attorney. Upon entering an order on a petition for expungement pursuant to subsection (a), the court shall enter written findings of fact.”.

The amendments were adopted.

On the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Donahue of Worcester; and on the roll call 153 members voted in the affirmative and 2 in the negative.

[See [Yea and Nay No. 185](#) in Supplement.]

Therefore the bill (Senate, No. 2383, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House [see House document numbered 4800, printed as amended].

Amendment
rejected,—
yea and nay
No. 184.

Bill passed to
be engrossed,—
yea and nay
No. 185.

Ms. Elugardo of Boston then moved that when the House recesses today, it do so in respect to the memory of Bill Owens, a member of the House from Boston in

1973 and 1974; and a member of the Massachusetts State Senate from 1975 to 1982, inclusive and again from 1989 to 1992, inclusive; and the motion prevailed.

Accordingly, at twenty-one minutes before five o'clock P.M. (Wednesday, May 18), on motion of Mr. Mariano of Quincy (Ms. Hogan of being in the Chair), the House recessed until the hour o'clock P.M. on Thursday, May 19; and at a quarter before two o'clock P.M. the House was called to order with Mr. Donato of Medford in the Chair.